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Attorney Docket No.: 285-79 CON

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Boyce et al. EXAMINER: Prebilic, P.  
SERIAL NO.: 09/543,268 GROUP ART UNIT: 3738  
FILED: April 5, 2000 DATED: July 18, 2002  
FOR: OSTEOIMPLANT AND METHOD  
FOR ITS MANUFACTURE

Commissioner for Patents  
Washington, D.C. 20231

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TECHNOLOGY CENTER R3700

TERMINAL DISCLAIMER

Sir:

I, Peter G. Dilworth, represent that I am the attorney of record for this invention. In an Office Action mailed April 19, 2002, Claims 1-94 were rejected under the judicially created doctrine of obviousness-type double patenting over Claims 1-72 of U.S. Patent No. 6,123,731.

The owner, Osteotech, Inc, of 100 percent interest in the instant patent application (by virtue of an assignment recorded on February 6, 1998, at Reel 8983, Frame 0880), hereby disclaims the term of any patent issuing on this application which would otherwise extend past the expiration date of United States Patent No. 6,123,731 issued on September 26, 2000 and filed February 6, 1998, and agree that any patent granted on the present application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to the aforesaid United States Patent No. 6, 123,731, this agreement to run with any patent granted on the present application and to be binding upon the grantee, its successors or assigns.

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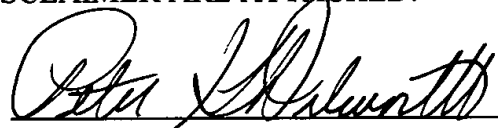
The PTO did not receive the following  
listed item(s) Check & ST.

No disclaimer is made of any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of United States Patent No. 6,123,731 in the event that U.S. Patent No. 6,123,731 later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term except for the separation of legal title stated above.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 8 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Attached is a check in the sum of \$55.00 (small entity) pursuant to 37 C.F.R. §1.20(d) for filing this Terminal Disclaimer. Charge Account No. 04-1121 for any fee deficiency required by this paper. TWO COPIES OF THIS DISCLAIMER ARE ATTACHED.

Date: July 18, 2002

  
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